

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

BILLY JESSIE,

Plaintiff,

V.

CAPTAIN SANDERS, et. al.,

Defendants.

$$\begin{array}{c}) \\) \\) \\) \\) \\) \\) \\) \end{array}$$

2:11-CV-02553-IPJ-RRA

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on May 21, 2012, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed without prejudice under 28 U.S.C. § 1915A(b) for failing to state a claim upon which relief may be granted. No objections were filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections thereto, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED. Accordingly, the complaint is due to be dismissed, without prejudice, pursuant to 28 U.S.C. § 1915A(b) for failing to state a claim upon which relief may be granted. A Final Judgment will be entered.

DATED this 20th day of June 2012.

Ag. Prytz Johnson

INGE PRYTZ JOHNSON
U.S. DISTRICT JUDGE